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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

AMMON EDWARD BUNDY,
Debtor.

Bankruptcy No. 24-23530

Chapter 7

Honorable William T. Thurman

**ST. LUKE'S CREDITORS' MOTION TO COMPEL LYDIA BUNDY'S D/B/A BUNDY
BRAZILIAN STEAKHOUSE COMPLIANCE WITH RULE 2004 SUBPOENA FOR
EXAMINATION AND PRODUCTION OF DOCUMENTS**

St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd., Chris Roth, Natasha Erickson, M.D., and Tracy Jungman, NP (together the "St. Luke's Creditors"), respectfully move to compel Lydia Bundy d/b/a Bundy Brazilian Steakhouse to comply with a subpoena issued pursuant to Federal Rule of Bankruptcy Procedure 2004 and this Court's Order authorizing the St. Luke's Creditors to issue a deposition and document subpoena. Dkt. 113.

INTRODUCTION

On July 17, 2024 (the “Petition Date”), Ammon Edward Bundy (the “Debtor”) filed the above-captioned Chapter 7 case. In 2024, the Debtor’s brother, Arden Bundy, and Arden’s wife, Lydia Bundy set up Bundy Industries LLC to operate a business called “Bundy’s Brazilian Steakhouse” in St. George, Utah. The Debtor has a history of using friends and family members to help him conceal assets from St. Luke’s Creditors, and consequently, the St. Luke’s Creditors sought and obtained entry of an order authorizing them to seek information from Lydia Bundy related to the Debtor’s assets and pursuant to Rule 2004. Pursuant to that order, Lydia Bundy’s first Rule 2004 examination was held on January 2, 2025. However, shortly into the examination, Lydia Bundy “plead[ed] the Fifth” and requested to get an attorney so she could better answer counsel’s questions. Honoring the request, counsel for St. Luke’s Creditors ended the deposition and asked to exchange emails with Lydia Bundy (and her husband Arden, who was also present) so St. Luke’s Creditors could coordinate rescheduling her examination.

The St. Luke’s Creditors then re-set her examination for March 5, 2025, in St. George. Despite receiving via email and mail a letter explaining the rescheduled date and an updated amended subpoena, Lydia Bundy failed to comply and appear at her rescheduled examination as she had agreed. The St. Luke’s Creditors now ask the Court to compel Lydia Bundy’s compliance with the subpoena by ordering her to sit for a full Rule 2004 examination and produce responsive documents.

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157. This Motion concerns the administration of the estate and therefore is a core proceeding pursuant

to 28 U.S. C. § 157(b)(2)(A). Venue is proper in this Court pursuant to 28 U.S. C. §§ 1408 and 1409.

STATEMENT OF FACTS

2. On September 30, 2024, St. Luke's Creditors filed a Motion for Examination Under Rule 2004 of Lydia Bundy d/b/a Bundy's Brazilian Steakhouse. Dkt. 84.

3. As set forth in the motion, the Debtor's brother Arden Bundy and wife Lydia opened Bundy's Brazilian Steakhouse in St. George not long after the Debtor caused approximately \$475,000 in cash to be transferred to a Utah credit union. *Id.*

4. At her truncated January 2, 2025, examination, Lydia Bundy testified that the business, Bundy Brazilian Steakhouse, is run through a corporate entity called Bundy (or Bundy's) Industries. *See* Declaration of Erik F. Stidham in Support of Motions to Compel Lydia Bundy's d/b/a Bundy Brazilian Steakhouse, Arden Bundy's, and Bundy Industries LLC's Compliance with Rule 2004 Subpoenas for Examinations and Production of Documents ("Stidham Decl."), filed concurrently, at ¶ 5, Ex. B at 7-9. Lydia Bundy further testified that she and her husband put together the corporate documents related to the business. *Id.*

5. Prepetition, the Debtor developed a history of using family members and close friends or affiliates to shield his assets from the St. Luke's Creditors. Dkt. 84 ¶ 12. As such, the St. Luke's Creditors have an interest in examining Lydia Bundy about Debtor's assets and any activities involving or related to her and/or businesses she owns, runs, or is affiliated with, including Bundy Industries and Bundy's Brazilian Steakhouse. *Id.*

6. On October 1, 2024, the Court granted the Motion for Examination Under Rule 2004. Dkt. 113.

7. On November 27, 2024, St. Luke's Creditors filed a Notice of Intent to Serve Subpoena on Lydia Bundy d/b/a Bundy's Brazilian Steakhouse. Dkt. 191.

8. St. Luke's Creditors issued the subpoena on September 24, 2024, and served the subpoena on Lydia Bundy at the Bundy Brazilian Steakhouse location, 850 S. Bluff St., St. George, Utah 84770. Stidham Decl., ¶ 4, Ex. A. The subpoena required Lydia Bundy's attendance at a Rule 2004 examination on January 2, 2025. *Id.*

9. Lydia Bundy appeared at her Rule 2004 examination on January 2. *Id.*, ¶ 4, Ex. B (examination transcript). Her husband Arden Bundy was present. *Id.*, Ex. B at 4. During her examination, Lydia Bundy clarified that the ownership entity associated with Bundy's Brazilian Steakhouse is Bundy Industries. *Id.*, Ex. B at 8. However, after answering questions about that entity, and early in the overall questioning, Lydia Bundy elected to "plead the Fifth Amendment," requesting to stop the examination so she could obtain legal counsel to represent her at it. *Id.*, Ex. B at 15. Counsel for St. Luke's Creditors immediately honored the request by making record of it and stopping the questioning. *Id.*, Ex. B at 15-19. He requested email address information from Lydia and Arden Bundy so that St. Luke's Creditors could coordinate a later date for the examination, which would permit Lydia Bundy to obtain counsel. *Id.*, Ex. B at 20.

10. On February 18, 2025, counsel for St. Luke's Creditors mailed and emailed Lydia Bundy (and her husband Arden) an amended subpoena. *Id.*, ¶ 8, Ex. C. Her 2004 examination was re-set for March 5, 2025, in St. George. *Id.*, ¶ 11. The amended subpoena required production of documents either before the examination or at the time of the exam. *Id.* ¶¶ 8-11, Ex. C.

11. The St. Luke's Creditors' counsel prepared for the examination, travelled from Boise to St. George for the examination, and arranged for a videographer and court reporter to attend and make a record of the examination. *Id.*, ¶ 13.

12. Lydia Bundy failed to appear for her examination on March 5, 2025. *Id.*, ¶ 15. As of the date of this Motion, Lydia Bundy has not produced documents responsive to the request in the subpoena. *Id.*, ¶ 17.

ARGUMENT

13. The Court has authority to compel Lydia Bundy's compliance with the Rule 2004 subpoena pursuant to Bankruptcy Rule 2004(d), Bankruptcy Rule 9016, which adopts Federal Rule of Civil Procedure 45, and Bankruptcy Rule 7037, which adopts Federal Rule of Civil Procedure 37.

14. Here, the subpoena required Lydia Bundy to attend a Rule 2004 examination on March 5, 2025, and to produce documents at the time of the examination. Relying on the subpoena, the St. Luke's Creditors' counsel then prepared for the examination, travelled from Boise to St. George for the examination, and arranged for a videographer and court reporter to attend the examination. Lydia Bundy did not appear for the examination and has failed to produce any documents as of the date of this Motion. Consequently, the Court should compel Lydia Bundy to produce the requested documents and to attend the requested examination by dates certain.

CONCLUSION

WHEREFORE, the St. Luke's Creditors ask the Court to Compel and order Lydia Bundy to produce the documents requested within 10 days of an order on the Motion, and sit for a Rule 2004 examination within 20 days of an order on the Motion.

DATED this 15th day of April, 2025.

HOLLAND & HART LLP

/s/ Erik F. Stidham

Erik F. Stidham (Admitted Pro Hac Vice)

HOLLAND & HART LLP

As local counsel

/s/ Engels Tejada

Engels Tejada

Benjamin D. Passey

Attorneys for St. Luke's Health System, Ltd.,
St. Luke's Regional Medical Center, Ltd.,
Chris Roth, Natasha Erickson, M.D., and
Tracy Jungman, NP

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2025, I electronically filed the foregoing with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF user.

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AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants by First Class U.S. Mail, with postage prepaid, addressed as follows:

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